

AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Bruce K. Leigh SBN 129753 Stanton, Kay & Watson LLP 101 New Montgomery, 5th Floor San Francisco CA 94105 TELEPHONE NO.: 415/512-3501 FAX NO.: 415/512-3515 ATTORNEY FOR (Name): Judgment Creditors		FOR COURT USE ONLY E-filing FILED MAR 09 2006 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
NAME OF COURT: U. S. District Court, ND Cal. STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: San Francisco		
PLAINTIFF: Larry Totten and Jose Moreno DEFENDANT: Marinship Construction Services, Inc., and Derek H. Smith		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		
		CASE NUMBER: 3:04cv3733 MHP (JL)


ORDER TO APPEAR FOR EXAMINATION

1. TO (name): Derek H. Smith
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
- ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: **April 19, 2006** Time: **9:30 a.m.** Dept. or Div.: ~~XXXXXX~~ Rm.: ~~XXXXXX~~
 Address of court ☒ shown above ☐ is: **15th Floor Courtroom F**

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: **3-9-06**


 JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): Derek H. Smith to appear and furnish information
 to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
☒ the judgment debtor
☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who
 owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil
 Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of
 attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination
 is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 22, 2006

Bruce K. Leigh

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)